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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,349	04/02/2001	Yasuhisa Fujiwara	108198	1734

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EXAMINER

MOONEYHAM, JANICE A

ART UNIT	PAPER NUMBER
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3629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	09/822,349		FUJIWARA, YASUHISA	
	Examiner		Art Unit	
	Janice A. Mooneyham		3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This is in response to the applicant's communication filed on October 23, 2006, wherein:

Claims 1-12 and 18-21 are currently pending;

Claims 1, 11, and 18-21 have been amended.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 23, 2006 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-12 and 18-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The applicant has included the following limitation in the claim language:

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a controller that prepares travel information ***in order to display a route from a starting point to a destination*** based on information input by the registered member and purchase records of the registered member that is stored in the memory prior to receiving the member ID upon confirmation that the member is registered.

It is unclear to the Examiner how the controller prepares a travel route based on the purchase records of the member.

Applicant's disclosure discloses the following:

[0043] In addition, the member database 14b of the center 10 often stores the purchase records of the member and the data regarding his or her taste. In this case, the center server 12 searches for facilities and tourist spots in the neighborhood (i.e., in the vicinity) of the destination or the route that might interest the member, based on the stored data regarding the member.

Thus, the Examiner asserts that the while the center server searches for facilities and tourist spots along the route using the purchase records, using this information to determine the route is new matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-12 and 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant has amended independent claims 1, 11, 18, 19, 20 and 21 to included the limitation of a controller that prepares travel information ***in order to display a route from a starting point to a destination*** based on information input by

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the registered member and purchase records of the registered member that is stored in the memory prior to receiving the member ID upon confirmation that the member is registered. The Examiner asserts that the highlighted language is not a positive recitation of a limitation. It does not provide that any information actually be displayed. Furthermore, it is not clear whether the travel information is based on the input by the registered member and purchase records or the route that may be displayed is based on the input.

5. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant has a step of providing route information and then a step of providing information on the locations of information providing terminals installed adjacent to a selected route. However, there is no selection step.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-10, 18-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al (5,948,040) (hereinafter referred to as DeLorme) in view of Lynch et al (6,018,715) (hereinafter referred to as Lynch).

Referring to Claims 1, 18-19 and 21:

DeLorme discloses method and system for providing user terminals with travel information, comprising:

storing in a memory information on registered members, purchase records of the registered members, and information on locations (Places) (Figure 4 (411, 417, 419, 415), Figure 8A (806) User/Member List), Figure 8B (842) (Client (Registered Member/User) (852) (User/Member Registration));

receiving at a terminal with an input/output interface a member ID (Figure 1A) (111); col. 13, lines 31-34; col. 14, line 43 thru col. 15, lines 32; col. 17, lines 14-27));

preparing travel information at a controller coupled to the memory and interface, wherein the controller confirms the registered member based on the received member ID and prepares travel/route information based on the information input by the registered user (Figure 8A (814); col. 17, lines 14-27; col. 37, lines 7-30; col. 46, lines 17-25 and lines 33-44; col. 60, line 38 thru col. 61, line 25); and

displaying the travel information provided by the center at the terminal (Figures 1A – 1C and col. 14, line 43 thru col. 15, line 32)).

While DeLorme discloses an invention with the capability to produce customized or individualized outputs that reflect and record selective usage of the TRIPS invention by different individuals (col. 11, lines 25-30) and kiosk information terminals linked to a

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central terminal (col. 14, line 66 thru col. 15, line 1), wherein the central service bureau can dispense TRIPS services via one or more distributed travel information kiosk terminals (col. 15, lines 22-24), Delorme does not explicitly disclose the travel/route information is base on the purchase records in combination with the information input by the registered user.

However, Lynch discloses a travel system that automatically retrieves and considers the traveler portfolio information from traveler portfolio 18 in database 14 in the process of determining a recommended travel plan, wherein the traveler portfolio information includes the air carriers, automobile rental agencies, or hotels preferred by the traveler, frequent flier or renter programs in which the traveler participates, and the traveler's seating and/or smoking preferences (col. 3, lines 39-48, col. 5, line 63 thru col. 6, line 6) (The Examiner considers traveler portfolio information to be purchase records).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel reservation system of DeLorme the traveler portfolio information to be used along with the user input to determine a recommended travel plan as taught in Lynch so as to generate a more satisfactory travel plan by balancing the retrieved traveler portfolio information and the received travel request information wherein the derived travel plan can be used as a guideline to book travel arrangements that fall with the parameters of the travel itinerary.

Delorme discloses a comprehensive travel planning service that can handle immediate requests from travelers en route or at remote locations, as well as

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contemplative advanced planning information (col. 11, lines 40-49), as well as optional waypoints and events or points of interest (col. 17, lines 14-43). The invention also can provide services via one or more distributed travel information kiosk terminals (col. 15, lines 14-32).

Referring to Claim 2:

DeLorme discloses wherein the information on the home of the member is stored in the memory; and the home of the member is set as a starting point on a route prepared by the controller as part of the travel information to be provided (col. 37, lines 10-20; col., 17, lines 44-49; col. 34, lines 26-56).

Referring to Claim 3:

DeLorme discloses the input/output interface receives key information for specifying information requested by the member from the user terminal (Figure 1a, col. 6, line 55 thru col. 7, line 1), and

the controller prepares the travel information based on the key information (col. 60, line 38 thru col. 26; col. 63, lines 37-43).

Referring to Claim 4:

DeLorme discloses wherein the key information is information on accommodation facilities and the controller selects accommodation facilities as part of the travel information to be provided (col. 8, lines 45-48).

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Referring to Claim 5:

DeLorme discloses the key information is information on tourist facilities and the controller selects tourist facilities as part of the travel information to be provided (col. 8, lines 45-48; col. 41, lines 6-66 Events of Interest).

Referring to Claim 6:

DeLorme discloses wherein the input/output interface receives a destination of the user input through the user terminal, and the controller prepares information on a route from a starting point to a destination as part of the travel information to be provided (Figure 1a, col. 6, lines 8-46; col. 10, line 59 thru col. 11, line 2; col. 34, lines 45-56; col. 34, lines 26 thru col. 36, line 25).

Referring to Claim 7:

DeLorme discloses wherein the information on the route includes at least one of information on an entire route and information on particular areas along the route (col. 9, lines 3-18; col. 9, lines 19-64).

Referring to Claim 8:

DeLorme discloses wherein the controller prepares, upon confirmation that the member is registered, the travel information so as to include route information and information on locations of service providing facilities which are adjacent to the route and which are exclusively available to the member who has been identified based on the member information stored in the memory (Figure 2, Register Now, Figure 6, Figure 8a, Figure 8b, Figure 9A, col. 21, lines 27-52, col. 22, lines 38-61, col. 34, lines 24-56).

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Referring to Claim 9:

DeLorme discloses a terminal that displays the travel information (Figure 1a (111 and 121, Figure 9B (907).

Referring to Claim 10:

DeLorme a medium that stores the travel information and a terminal that reads the travel information stored on the medium and displays the travel information (col. 7, lines 22-34, col. 13, line 31 thru col. 17, line 13).

7. Claims 11-12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme in view of Lynch and further in view of Bellesfield et al (US 6,282,489) (hereinafter referred to as Bellesfield).

DeLorme discloses a system and method of providing travel information comprising:

storing in a memory information on locations (places) (Figure 4 (411, 417, 419, 415), Figure 8A (806) User/Member List), Figure 8B (842) (Client (Registered Member/User) (852) (User/Member Registration))

receiving a member ID through an input/output interface (Figure 1A) (111); col. 13, lines 31-34; col. 17, lines 14-27));

confirming a registered member based on the member ID via a controller (Figure 8A (814); col. 17, lines 14-27; col. 37, lines 7-30; col. 46, lines 17-25 and lines 33-44; col. 60, line 38 thru col. 61, line 25);

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providing travel information including a route from a starting point to a destination based on the information input by the member (col. 18, line 65 thru col. 19, line 8);

providing route information as travel information to a user upon confirmation of the registered member (Figure 8A (814); col. 17, lines 14-27; col. 37, lines 7-30; col. 46, lines 17-25 and lines 33-44; col. 60, line 38 thru col. 61, line 25).

While DeLorme discloses an invention with the capability to produce customized or individualized outputs that reflect and record selective usage of the TRIPS invention by different individuals (col. 11, lines 25-30) and kiosk information terminals linked to a central terminal (col. 14, line 66 thru col. 15, line 1), wherein the central service bureau can dispense TRIPS services via one or more distributed travel information kiosk terminals (col. 15, lines 22-24), Delorme does not explicitly disclose the travel/route information is base on the purchase records in combination with the information input by the registered user.

However, Lynch discloses a travel system that automatically retrieves and considers the traveler portfolio information from traveler portfolio 18 in database 14 in the process of determining a recommended travel plan, wherein the traveler portfolio information includes the air carriers, automobile rental agencies, or hotels preferred by the traveler, frequent flier or renter programs in which the traveler participates, and the traveler's seating and/or smoking preferences (col. 3, lines 39-48, col. 5, line 63 thru col. 6, line 6) (The Examiner considers traveler portfolio information to be purchase records).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel reservation system of DeLorme the traveler portfolio information to be used along with the user input to determine a recommended travel plan as taught in Lynch so as to generate a more satisfactory travel plan by balancing the retrieved traveler portfolio information and the received travel request information wherein the derived travel plan can be used as a guideline to book travel arrangements that fall with the parameters of the travel itinerary.

DeLorme does not disclose storing information on locations of information providing terminals installed at various locations and providing information on the locations of the information providing terminals which are installed adjacent to a selected route that is to be traveled.

However, Bellesfield discloses storing information on locations of interest installed at various locations and providing information on the locations of the places of interest which are installed adjacent to a selected route that is to be traveled (abstract) (Figure 11 (176)). An ATM is considered a point/place of interest (see Yokota US 6,405,129 col. 1, lines 31-52). The Examiner considers an ATM to be an information terminal.

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate into the travel planning system of DeLorme the list of places of interest located near a calculated travel route between a departure point and a destination taught in Bellesfield so that the individual has easy access to information of interest, such as hotels, restaurants, and attractions along the route without going through a time

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consuming process of determining which places of interest are geographically located near the route.

Response to Arguments

Applicant's arguments filed on October 23, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., purchase records of retail consumers (registered members) in order to set an individual profile) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Moreover, the Examiner considers information about the purchase of an airline ticket, seating preferences or the hotel preferences to be a purchase record.

As for applicant's argument that Lynch fails to provide any disclosure with regard to creating a route, the rejections of applicant's claims are based on DeLorme in combination with Lynch. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

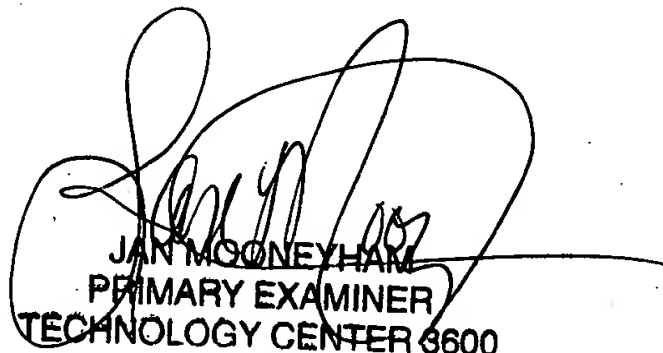
Any arguments as to the information providing terminals are moot in view of a new grounds of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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